

ORDINANCE NO. 2041

AN ORDINANCE AMENDING CPMC CHAPTER 17.05.300 (C); 17.05.300 (E) AND 17.05.400 (C), TO INCREASE THE PUBLIC NOTIFICATION REQUIREMENTS FOR TYPE II AND TYPE III LAND USE APPLICATIONS

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. At a joint study session on August 14, 2017, the Central Point City Council and the City Planning Commission discussed ways to improve citizen involvement in the planning process. As a consequence, the Community Development Department initiated an ordinance amending Chapter 17.05.
- C. On November 7, 2017, the City Planning Commission held a properly advertised public hearing; reviewed the Staff Report; heard testimony and comments, and recommended approval of the Municipal Code Amendment to the City Council.
- D. On November 9, 2017, the City of Central Point City Council held a properly advertised public hearing; reviewed the Staff Report; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.
- E. Words ~~lined through~~ are to be deleted and words in **bold** are added.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Section 17.05.300(C) Notice of Application for Type II Decision expanding the landowner notification requirement from 100-ft to 250-ft from the exterior boundaries of the project site; and, increasing the agency notification requirement for roadway or railway impacts consistent with landowner notification.

**Title 17
Zoning**

17.05.300 Type II procedure.

City Council Ordinance No. 2041 (12/14/2017)

C. Notice of Application for Type II Decision.

1. No less than twenty days before the community development director makes a decision, written notice of the application shall be mailed to all of the following:

- a. Applicant;
- b. Owners of record of the subject property;
- c. Owners of record within a minimum of ~~one~~**two hundred fifty (250)** feet of the exterior boundaries of the site;
- d. All city-recognized neighborhood groups or associations whose boundaries include the site;
- e. Any person who submits a written request to receive a notice; and
- f. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the county or ODOT, and the rail authority, when there is a proposed development abutting or within ~~one~~**two hundred fifty (250)** feet of an affected transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

2. The notice of application shall include:

- a. The street address or other easily understood reference to the site;
- b. The relevant approval criteria by name and number of code sections;
- c. The place, date and time the comments are due, and the person to whom the comments should be addressed;
- d. A description of the proposal and identification of the specific permits or approvals requested;
- e. A statement of the issues that may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision maker to respond to the issue;
- f. The name and phone number of a city contact person;

g. A brief summary of the local decision making process for the decision being made;

h. A statement that all evidence relied upon by the community development director or designee to make this decision is in the public record, available for public review. Copies of this evidence may be obtained at a reasonable cost from the city;

i. A statement that, after the comment period closes, the community development director or designee shall issue a Type II administrative decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice; and

j. Contain the following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

3. The notice shall allow a fourteen-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city by five p.m. on that fourteenth day.

D. Administrative Decision Requirements. The community development director or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the community development director or designee shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days after the community development director or designee signs the decision, a notice of decision shall be sent by mail to:

a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

b. Any person who submitted a written request to receive notice, or provides comments during the application review period;

c. Any city-recognized neighborhood group or association whose boundaries include the site;

d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies that were notified or provided comments during the application review period; and

e. Property owners located within ~~one~~ **two** hundred **fifty (250)** feet of the exterior boundaries of the subject property.

2. The community development director or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The Type II notice of decision shall contain:

a. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;

c. A statement of where a copy of the city's decision, and the complete planning file may be reviewed and the name and contact number of the city staff to contact about reviewing the file;

d. The date the decision shall become final, unless appealed;

e. A statement that only the applicant and persons who submitted comments prior to the comment deadline may appeal the decision; and

f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

SECTION 2. Amendments to CPMC 17.05.400(C) Notification Requirements increasing landowner and agency notification requirements from 100-ft to 250-ft, and adding the requirement to post on-site notice of public hearing for Type III land use actions.

17.05.400 Type III procedure.

City Council Ordinance No. 2041 (12/14/2017)

C. Notification Requirements.

1. Mailed Notice. The city shall mail the notice of the Type III hearing. Notice of a Type III hearing shall be given by the community development director or designee in the following manner:

a. At least twenty days before the hearing date, or if two or more hearings are allowed, ten days before the first hearing, notice shall be mailed to:

i. The applicant and all owners or contract purchasers of record of the property on the most recent property tax assessment roll that is the subject of the application;

ii. All property owners of record on the most recent property tax assessment roll within ~~one~~ **two hundred fifty (250)** feet of the site, including tenants of a mobile home or manufactured dwelling park;

iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the county road authority, or ODOT, and rail authority ~~for~~ **when there is a proposed development abutting or within two hundred fifty (250) feet of an affected applications that are abutting or affecting their** transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;

iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;

v. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;

vi. Any person who submits a written request to receive notice;

vii. At the applicant's discretion, notice may also be provided to the Department of Land Conservation and Development.

~~b. The community development director or designee shall prepare an affidavit of notice and the affidavit shall be made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who were sent notice.~~

2.b. Content of Notice. Notice of a Type III hearing shall be mailed per this subsection C and shall contain the following information:

ai. An explanation of the nature of the application and the proposed land use or uses that could be authorized for the property;

bii. The applicable criteria and standards from the zoning and subdivision code and comprehensive plan that apply to the application;

ei. The street address or other easily understood geographical reference to the subject property;

div. The date, time, and location of the public hearing;

ev. A statement that the failure to raise an issue in person, or in writing at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue prior to the close of the final hearing means that an appeal based on that issue cannot be raised at the State Land Use Board of Appeals;

fvi. The name of a city representative to contact and the telephone number and email address where additional information on the application may be obtained;

gvii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at the city of Central Point City Hall at no cost and that copies shall be provided at a reasonable cost;

hvi. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

jx. The following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

~~bc. The community development director or designee shall prepare an affidavit of notice and the affidavit shall be made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who were sent notice.~~

2. On-Site Posting. Public notice signs shall be posted on the project site for any Type III land use action according to the following:

a. Contents of sign. Notice signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Central Point file number for the proposed land use action.

b. Location and number of signs. A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600-ft long, a notice is required for each 600-foot or fraction thereof. Notice signs must be posted within 10-feet of a property line along the street and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Clear Vision Area requirements as set forth in Section 17.60.120.

c. Sign posting schedule. The required sign(s) shall be posted not later than 21-days prior to the first public hearing date of each body that hears the application. Posted signs shall be removed within 10-days following the final decision.

d. Affidavit of on-site posting. The Director or designee shall prepare an affidavit of on-site notice posting and the affidavit shall be made part of the file. The affidavit shall state the date that the notice was posted, the number of notices posted and the name of the person(s) who posted the notice.

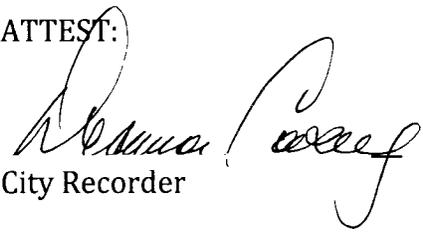
SECTION 3. CODIFICATION. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or City Council Ordinance No. 2041 (12/14/2017)

other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 4. EFFECTIVE DATE. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 14th day of December 2017.


Mayor Hank Williams

ATTEST:

City Recorder

City Council Ordinance No. 2041 (12/14/2017)